

consistent with the Department's regulations. In view of the recommended International Atomic Energy Agency requirement that for international shipments the "national competent authority" certify (with an identifying symbol) as to the packaging adequacy and that the package be so marked, the Board believes that the required approval should take the form of a "Certificate of Approval" with an identifying number. Thus persons who obtain such approval will be assured that they can comply with international requirements in those countries that have adopted the above described recommended practice.

In addition, certain requirements now routinely included in special permits would be made a part of the regulations, such as prior notifications by the shipper and special unloading instructions.

In consideration of the foregoing it is proposed to amend Part 173 of the Hazardous Materials Regulations as follows:

1. By adding a new paragraph (b) to § 173.22 to read as follows:

§ 173.22 Shipper's responsibility.

(b) Prior to each shipment of fissile radioactive materials, and Type B, or large quantities of radioactive materials, the shipper shall notify the consignee of the dates of shipment and expected arrival. The shipper shall also notify each consignee of any special loading/unloading instructions prior to his first shipment.

2. By amending paragraphs (b)(3) and (c)(2) of § 173.394 to read as follows:

§ 173.394 Radioactive material in special form.

(b) Any Type B packaging which has been certified by the Department as meeting the pertinent requirements for Type B packaging for specific contents.

(2) Any Type B packaging which meets the standards in the regulations of either the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) or the International Atomic Energy Agency (1967 edition), and which has been certified by the Department as meeting the pertinent requirements for packaging for large quantities for specific contents. In applying for Departmental certification of packages of large quantities, a copy of the U.S. Atomic Energy Commission license amendment or other approval may be accepted in place of the package structural integrity evaluation.

3. By amending paragraphs (b)(2) and (c)(2) of § 173.395 to read as follows:

§ 173.395 Radioactive material in normal form.

(2) Any Type B packaging which has been certified by the Department as

meeting the pertinent requirements for Type B packaging for specific contents.

(2) Any Type B packaging which meets the standards in the regulations of either the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) or the International Atomic Energy Agency (1967 edition), and which has been certified by the Department as meeting the pertinent requirements for packaging for large quantities for specific contents. In applying for Departmental certification of packages of large quantities, a copy of the U.S. Atomic Energy Commission license amendment or other approval may be accepted in place of the package structural integrity evaluation.

This amendment is proposed under the authority of sections 831-835 of title 18 of the United States Code, section 9 of the Department of Transportation Act, and title VI and section 902(h) of the Federal Aviation Act (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on May 20, 1969.

F. C. TURNER,  
Administrator,  
Federal Highway Administration.

R. N. WHITMAN,  
Administrator,  
Federal Railroad Administration.

SAM SCHNEIDER,  
Board Member, for the  
Federal Aviation Administration.

C. P. MURPHY,  
Rear Admiral, U.S. Coast Guard,  
by direction of Commandant,  
U.S. Coast Guard.

[P.R. Doc. 69-6304; Filed, May 27, 1969;  
8:45 a.m.]

## [ 49 CFR Part 178 ]

[Docket No. HM-25; Notice No. 69-15]

### SHIPPING CONTAINER SPECIFICATIONS

#### Fiberboard Boxes

The Hazardous Materials Regulations Board is considering amending § 178.205-37 of the Department's Hazardous Materials Regulations to specify certain requirements for packagings of acid electrolyte consistent with the terms of special permits which have been issued by the Department for more than 5 years.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before July 22, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board,

both before and after the closing date for comments.

Experience gained in the shipping of several million packages under the provisions of special permits issued by the Department indicates that the packaging under consideration is reliable and provides for an adequate and safe package consistent with the degree of hazard of the material to be shipped.

The present requirements in section 178.205-37 of the Hazardous Materials Regulations relate only to a package size limitation of 5 gallons. The packaging proposed would provide two quantity limitations, 6 quarts and 5 gallons, consistent with present day shipping practices. For a package of 6 quarts or less capacity, there would be a 75-pound reduction in the strength of fiberboard required for the DOT Specification 12B box, and for capacities from 6 quarts to 5 gallons there would be an increase in fiberboard strength of 75 pounds. Also, it is proposed to reduce the minimum wall thickness for each bag of a double insert from 0.004 inch to 0.003 inch thickness based on special permit experience.

In consideration of the foregoing, it is proposed to amend paragraphs (a) and (b), paragraphs (c) (1) and (2) of § 178.205-37 to read as follows:

§ 178.205 Specification 12B; fiberboard boxes.

§ 178.205-37 Special box; authorized polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.

(a) Box must comply with this specification except as follows: Box must be of one-piece construction of slotted style and may have die-cut areas of minimum size to provide access to an inside closure part. Box must have two polyethylene or other suitable plastic bags, one within the other, and a closure adequate to prevent leakage under conditions incident to transportation. Each bag must be formed from tubing of virgin plastic material not less than 0.003 inch thick with joints heat sealed.

(b) Boxes must be center slot-styled style, except that regular slotted style boxes may be used if fitted with full top and bottom pads. If any metal is used in the box construction, full liners and top and bottom pads are required. Any metal closure for a discharge tube must be installed so as to prevent contact with the polyethylene bag. Discharge tubes must be plugged or heat sealed. Maximum volumetric capacity must not exceed 5 gallons (nominal).

(1) For boxes having capacities of 6 quarts (nominal) or less, fiberboard of at least 200-pound test is required for construction. Pads must be of fiberboard of at least 200-pound test or of equivalent material such as chipboard.

(2) For boxes having capacities in excess of 6 quarts, fiberboard of at least 350-pound test is required. Pads must be of fiberboard of at least 350-pound test or of equivalent material such as chipboard.

(c) \* \* \*

(1) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags must be dropped twice from a height of 4 feet onto concrete, one drop to be made with the box positioned so as to strike flat on the box bottom, the other drop to be made so box will strike flat on the largest face.

(2) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags, and remains liquid at 0° F. or lower shall be dropped once from a height of 4 feet onto concrete, when container and contents are at or below 0° F. Box shall be positioned so as to strike flat on the box bottom.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902 (h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on May 21, 1969.

C. P. MURPHY,  
Rear Admiral, U.S. Coast Guard,  
by direction of Commandant,  
U.S. Coast Guard.

R. N. WHITMAN,  
Administrator,  
Federal Railroad Administration.

F. C. TURNER,  
Administrator,  
Federal Highway Administration.

SAM SCHNEIDER,  
Board Member for the  
Federal Aviation Administration.

[F.R. Doc. 69-6305; Filed, May 27, 1969;  
8:45 a.m.]

## FEDERAL TRADE COMMISSION

[16 CFR Part 243]

### DECORATIVE WALL PANELING INDUSTRY

#### Proposed Guides; Notice of Opportunity To Present Written Views Suggestions or Objections

Proposed Guides for the Decorative Wall Paneling Industry were originally made public by the Commission on February 20, 1968, and were published in the FEDERAL REGISTER on that date at page 3190. In response to the invitation to industry members and other interested parties to submit written comments concerning the proposed Guides, a number of suggestions, criticisms and objections were received. After giving due consideration to these comments and other pertinent information received, the proposed Guides have been revised as hereinafter set forth. These revised proposed Guides are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C., secs. 41-58, and the provisions

of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed Guides for the Decorative Wall Paneling Industry to present to the Commission their views concerning the proposed Guides, including such pertinent information, suggestions or objections as they may desire to submit. For this purpose, additional copies of the proposed Guides may be obtained upon request to the Commission. Such data, views, information, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than June 27, 1969, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

Guides for this industry, if and when finally approved and adopted by the Commission, will be designed to assist manufacturers and other sellers of decorative wall panels in avoiding violations of the Federal Trade Commission Act, as amended (15 U.S.C. secs. 41-58), in labeling and advertising their products. Their purpose will be to encourage voluntary compliance with the Act which makes illegal unfair methods of competition and unfair or deceptive acts or practices in commerce. Proceedings to prevent deceptive practices in the sale of decorative wall panels may be brought under the Federal Trade Commission Act.

Text of the proposed Guides follows:

NOTE: These guides have not been approved by the Federal Trade Commission. They are a draft of proposed Guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed Guides.

Sec.	Definitions.
243.0	243.1 Deception (general).
243.1	243.2 Disclosures and qualifications.
243.2	243.3 Wood and wood imitations.
243.3	243.4 Deceptive use of wood names.
243.4	243.5 Imitations of materials other than wood.
243.5	243.6 Misleading illustrations.
243.6	243.7 Deceptive use of trade or corporate names, coined names, trademarks, etc.
243.7	243.8 Passing off through imitation or simulation of trademarks, trade names, etc.
243.8	243.9 Guarantees, warranties, etc.
243.9	243.10 Deceptive pricing.
243.10	243.11 Size markings and designations.
243.11	243.12 Removal, obliteration, or alteration of marks or labels.
243.12	243.13 Misrepresenting products as conforming to standard or specification.
243.13	243.14 Deception as to origin.

AUTHORITY: The provisions of this Part 243 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46.

#### § 243.0 Definitions.

For the purpose of this part the following definitions shall apply:

(a) *Industry member.* Any person, firm, corporation, or organization engaged in the manufacture, sale or distribution of industry products as such products are hereinafter defined.

(b) *Industry products.* Industry products include all products which are suitable for use as interior decorative wall panels. Industry products may be composed of any material or combinations of materials including, but not limited to, solid wood, plywood, wood byproducts, plastics, metals, etc., and may be textured, unfinished, partially finished or unfinished.

#### § 243.1 Deception (general).

Industry members should not sell, offer for sale, or distribute industry products by any method, or under any representation, circumstance or condition which has the capacity and tendency or effect of misleading purchasers or prospective purchasers as to the grade, type, kind, character, content, construction, composition, process or technique used in preparation or fabrication, origin, size, thickness, quality, quantity, value, price, serviceability, resistance, performance, durability, color, finish, manufacture, or distribution of any product of the industry or component part of such product, or in any other material respect.

[Guide 1]

#### § 243.2 Disclosures and qualifications.

(a) In order to prevent deception the Commission may require affirmative disclosure of material facts concerning merchandise which, if known to prospective purchasers, would influence their decisions of whether or not to purchase. The failure to disclose such information as may be required is an unfair trade practice violative of section 5 of the Federal Trade Commission Act. Two of the situations in which disclosures of material facts concerning wall panels should be made are (1) when the appearance of a product could mislead potential purchasers, and (2) when a representation is made which is susceptible of at least one misleading interpretation unless it is clearly qualified. (Representations which cannot be qualified without the qualification amounting to a contradiction should not be used.) The purpose of affirmative disclosures provided for in the following sections in this Part 243 is to inform potential and ultimate purchasers of certain facts considered to be material.

(b) The necessary disclosures should appear on each industry product (except when it is sold and used for industrial purposes and the industrial purchaser is otherwise fully informed of the material facts involved). Such disclosures should be on, or on a tag or label attached to, the industry product and be of such permanency as to remain on, or attached to, the product until consummation of the sale to the ultimate purchaser. Conspicuous disclosures may appear on backs of wall panels, but in instances where such